



Date: May 18, 2015

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U.S. Fish and Wildlife Service, NOAA Propose Actions to Build on Successes of Endangered Species Act

Initiatives will increase regulatory predictability, increase stakeholder engagement, and improve science and transparency

WASHINGTON, D.C. – Building on the success of the Obama Administration in implementing the Endangered Species Act (ESA) in new and innovative ways, today the U.S. Fish and Wildlife Service and National Marine Fisheries Service (the Services) announced an additional suite of actions the Administration will take to improve the effectiveness of the Act and demonstrate its flexibility. The actions will engage the states, promote the use of the best available science and transparency in the scientific process, incentivize voluntary conservation efforts, and focus resources in ways that will generate even more successes under the ESA.

The Endangered Species Act is an essential tool for conserving the nation's most at-risk wildlife, as well as the land and water on which they depend for habitat. The Act has prevented more than 99 percent of the species listed from going extinct, serving as the critical safety net for wildlife that Congress intended when it passed the law 40 years ago. In addition, the Act has helped move many species from the brink of extinction to the path to recovery, including California condors, Florida panthers and whooping cranes. The Obama Administration has delisted more species due to recovery than any prior administration, including the Oregon Chub, the Virginia northern flying squirrel, and the brown pelican.

“The protection and restoration of America’s proud natural heritage would not be possible without the Endangered Species Act and the close collaboration among states, landowners and federal agencies that the Act promotes,” said Secretary of the Interior Sally Jewell. “These actions will make an effective and robust law even more successful, and will also reinforce the importance of states, landowners and sound science in that effort.”

“For decades, the Endangered Species Act has helped protect threatened species and their habitats,” said Secretary of Commerce Penny Pritzker. “The changes announced today by the

Services amount to an improved way of doing business, one that advances the likelihood of conservation gains across the nation while reducing burdens and promoting certainty.”

In furtherance of ESA improvements first [outlined in 2011](#), the Services took steps today to ensure that states are partners in the process by which imperiled species are considered for listing under the Act. The proposed change – open for public comment today – would require petitioners to solicit information from relevant state wildlife agencies prior to submitting a petition to the Services, to include any such information provided by the states in the petition.

Larry Voyles, President of the Association of Fish and Wildlife Agencies, notes, "Consistent with the intent of the ESA that listing decisions be based on the best available science, we appreciate the Service's due recognition of, and requirement to, incorporate the data and information of state fish and wildlife agencies for the formulation of listing petitions."

The changes would provide greater clarity to the public and states on what information would best inform the evaluation of a species' status and result in better coordination with state wildlife agencies, which often have unique information and insights on imperiled species.

As part of the Administration's ongoing efforts, the Services will also be unveiling additional proposals over the coming year to achieve four broad goals:

- 1. Improving science and increasing transparency.** To improve public understanding of and engagement in ESA listing processes, the Services will:
 - Strengthen procedures to ensure that all information that can be publicly disclosed related to proposed listing and critical habitat rule notices will be posted online; and
 - Adopt more rigorous procedures to ensure consistent, transparent, and objective peer-review of proposed decisions.
- 2. Incentivizing voluntary conservation efforts.** Voluntary conservation programs, such as Safe Harbor agreements and Candidate Conservation Agreements, can improve conditions for listed and at-risk species, and conservation banking can make listed species and their habitats assets for landowners. The Services will:
 - Update guidance on the use of these proactive tools to establish consistent standards; and
 - Adopt a policy promoting the expanded use of conservation banking and other advance mitigation tools.
- 3. Focusing resources to achieve more successes.** The Services will work to focus limited resources on activities that will be most impactful. These actions include:
 - NOAA's launch of a [new initiative](#) to focus resources on eight of the nation's most vulnerable marine species with the goal of reducing, stabilizing, or reversing their rate of decline by 2020;
 - Proposed revisions to interagency consultation procedures to streamline the process for projects, such as habitat restoration activities, that result in a net conservation benefit for the species;
 - Updates to the Habitat Conservation Planning Handbook to make developing and permitting plans more efficient and timely.

4. Engaging the States. State fish and wildlife agencies, by virtue of their responsibilities and expertise, are essential partners in efforts to conserve threatened and endangered species. The Services will:

- Implement the aforementioned revised petition regulations to give states an opportunity to provide input prior to submission; and
- Update policy regarding the role of state agencies to reflect advancements in collaboration between the Services and the States.

These proposals add to other actions already in progress, such as finalizing a policy on prelisting conservation credits and on critical habitat exclusions. Efforts to make the ESA work better will also include additional future review and update of regulations and policy, consistent with President Obama's Executive Order 13563, *Improving Regulation and Regulatory Review*, and is outlined in the Department of Interior's *Preliminary Plan for Retrospective Regulatory Review*.

"The proposed policies would result in a more nimble, transparent and ultimately more effective Endangered Species Act," said Director of the Fish and Wildlife Service Dan Ashe. "By improving and streamlining our processes, we are ensuring the limited resources of state and federal agencies are best spent actually protecting and restoring imperiled species."

"The ESA has prevented the extinction of many imperiled species, promotes the recovery of many others, and conserves the habitats upon which they depend," said Eileen Sobeck, assistant administrator for NOAA Fisheries. "But more work needs to be done on all levels. We need everyone's help locally and globally to reverse declining populations and lift species out of danger. "

In the last six years, almost two dozen species have either been recovered and delisted, or are now proposed for delisting. There have also been more than a dozen imperiled species that were candidates for listing under the Act that have been conserved through proactive efforts and no longer require consideration for listing. They include the Bi-State population of the greater sage-grouse, the Montana population of arctic grayling, and the Coral Pink Sand Dunes tiger beetle.

The effort will focus on recovering species and strive to make administrative and regulatory improvements. The Services are not seeking any legislative changes to the Act, because the agencies believe that implementation can be significantly improved through rulemaking and policy formulation.

The Endangered Species Act was enacted in 1973 to protect plants and animal species threatened with extinction. Many of the regulations implementing provisions of the ESA were promulgated in the 1980s and do not reflect advances in conservation biology and genetics, as well as recent court decisions interpreting the Act's provisions.

For more information on the proposed ESA petition regulations, go to <http://www.fws.gov/home/feature/2015/proposed-revised-petition-regulations.pdf>. The rule is expected to publish in the *Federal Register* later this week. Public comments on the proposed rule will be accepted on or before 60 days following its publication in the *Federal Register*.

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